

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ERIC BERGER, JASON
LONDRIGAN, LACEY TIMMINS,
KEVIN CULBERTSON, MARIA
GONZALEZ, and GRACE CONDON,
*individually and on behalf of all others
similarly situated,*

Plaintiffs,

v.

HOME DEPOT U.S.A., INC., a
Delaware corporation,

Defendant.

Civil Action

No. 1:24-CV-01435-VMC

CONSENT MOTION TO EXTEND CERTAIN DEADLINES

Defendant Home Depot U.S.A., Inc. (“Home Depot”) files this Consent Motion to Extend Certain Deadlines.

In support of this Motion, Home Depot states as follows:

1. On December 13, 2024, the Court consolidated this action with the related *Culbertson* (1:24-cv-2666-VMC) and *Timmins* (1:24-cv-4797-VMC) actions. Dkt. 36.

2. On January 22, 2025, the Parties filed a joint motion to set a schedule regarding the filing of Plaintiffs’ Consolidated Class Action Complaint and Home

Depot's response thereto. Dkt. 37. The Court entered the proposed schedule on January 23, 2025. Dkt. 38.

3. On February 21, 2025, Plaintiffs filed their Consolidated Class Action Complaint. Dkt. 40.

4. Home Depot filed a Motion to Dismiss the Consolidated Class Action Complaint on April 4, 2025. Dkt. 43.

5. Plaintiffs' response to the Motion to Dismiss is due on May 2, 2025, and Home Depot's reply is due on May 23, 2025. *See* Dkt. 38.

6. According to the Federal Rules of Civil Procedure, the Local Rules for United States District Court for the Northern District of Georgia, and this Court's Standing Order (Dkt. 19), Home Depot's filing of its Motion to Dismiss triggered certain requirements for the Parties including: (1) to conduct the Federal Rule 26(f) conference on or before April 21, 2025; (2) to file the Joint Preliminary Report and Discovery Plan on or before May 5, 2025; and (3) to serve initial disclosures under Federal Rule 26.1 on or before May 5, 2025. However, Local Rule 26.2(A) provides in relevant part that discovery shall not commence until "thirty days after the appearance of the first defendant by answer to the complaint."

7. Judicial efficiency and the Parties would be best served from this Court's resolution of Home Depot's Motion to Dismiss—which could result in dismissal of the case in its entirety or substantially narrow the issues—and from the

responses and affirmative defenses that Home Depot would raise in an Answer if the Motion to Dismiss is denied in full or in part before the Parties engage in the Rule 26(f) conference, prepare and submit the Joint Preliminary Report and Discovery Plan, and prepare and serve initial disclosures.

8. Home Depot respectfully requests that this Court extend the discovery deadlines which are not currently stayed until after the Court resolves the pending Motion to Dismiss and, if necessary, Home Depot files an Answer.

9. Specifically, Home Depot requests that the Court enter an Order setting the following discovery deadlines:

- Deadline to conduct the Rule 26(f) conference: 16 days after the filing of Home Depot's Answer to Plaintiffs' Consolidated Class Action Complaint;
- Deadline to file the Joint Preliminary Report and Discovery Plan: 14 days after the Rule 26(f) conference;
- Deadline to serve initial disclosures under Rule 26.1: 14 days after the Rule 26(f) conference.

10. Plaintiffs consent to this Motion and to the extension of the above-referenced deadlines.

11. On July 9, 2024, the Court granted a substantially identical request in *Berger* before the cases were consolidated. *See* Dkt. 29.

12. Accordingly, Home Depot respectfully moves this Court for an Order granting its motion for an extension of time and setting the above deadlines. A proposed order is attached for the Court's consideration.

Respectfully submitted this 29th day of April, 2025.

/s/ Lindsey B. Mann

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CONSENTED TO BY:

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D) of the Local Rules for the United States District Court for the Northern District of Georgia, I hereby certify that the foregoing has been prepared in Times New Roman, 14-point font, as permitted by Local Rule 5.1.

This 29th day of April, 2025.

/s/ Lindsey B. Mann

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CERTIFICATE OF SERVICE

This is to certify that I have this 29th day of April, 2025, electronically filed the foregoing CONSENT MOTION TO EXTEND CERTAIN DEADLINES with the Clerk of Court using the CM/ECF system, which will automatically serve notification of such filing to all counsel of record.

/s/ Lindsey B. Mann

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